

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6496**

**BILL NUMBER:** SB 139

**NOTE PREPARED:** Dec 3, 2003

**BILL AMENDED:**

**SUBJECT:** Forensic Diversion Program.

**FIRST AUTHOR:** Sen. Long

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X **GENERAL**  
**DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** This bill has the following provisions:

- A. It repeals the Forensic Diversion Program.
- B. It requires the Forensic Diversion Study Committee to study community-based treatment instead of incarceration for offenders who have a mental illness or an addictive disorder.

**Effective Date:** July 1, 2004.

**Explanation of State Expenditures:** *Provision A:* The Forensic Diversion Program was established by HEA 1001-2003 to ensure that an adult with a mental illness or an addictive disorder who has been convicted of a crime receives adequate community-based treatment or other services instead of incarceration. An adult with a mental illness or an addictive disorder who has been convicted of a crime may participate in a forensic diversion program following the sentencing hearing if the adult is either on probation or participating in a community corrections program or community transition program.

The Department of Correction is permitted to fund forensic diversion programs for offenders who were diverted from a mandatory period of incarceration from the Department. No monies have been specifically appropriated for this program. Consequently, repealing this program would have no effect on state expenditures.

*Provision B:* The Forensic Diversion Study Committee would be composed of 15 members including legislators, the Chief Justice of the Supreme Court, the executive directors or commissioners of the state's criminal justice agencies, trial court judges, persons experienced in administering probation programs and community corrections programs, and persons experienced in treating mental illness and addictive disorders.

The Committee would be charged with studying the circumstances, if any, under which a forensic diversion program would be appropriate and how to implement a program that the Committee would consider to be appropriate. The Indiana Criminal Justice Institute is to provide staff support to the Committee.

Each member of the Committee is entitled to receive the same per diem, mileage, and travel allowance paid to individuals who serve as legislative and lay members, respectively, of interim study committees established by the Legislative Council. In the past, Legislative Council resolutions have established budgets for interim study committees ranging from \$6,000 to \$9,000 per interim for committees with fewer than 16 members. All expenditures shall be paid from appropriations to the Legislative Council and the Legislative Services Agency.

**Explanation of State Revenues:**

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:**

**State Agencies Affected:** Indiana Supreme Court, Department of Correction, Criminal Justice Institute, Prosecuting Attorneys Council, Indiana Public Defender.

**Local Agencies Affected:**

**Information Sources:**

**Fiscal Analyst:** Mark Goodpaster, 317-232-9852.